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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,711	03/26/2004	Tuija Hurtta	59643.00384	8090

32294 7590 06/16/2009

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EXAMINER	
WILSON, ROBERT W	

ART UNIT	PAPER NUMBER
2419	

MAIL DATE	DELIVERY MODE
06/16/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/809,711	HURTTA ET AL.	
	Examiner	Art Unit	
	ROBERT W. WILSON	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,14,20-23,25,26,31 and 34-62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10, 12, 14, 20-23, 25, 26, 34-47, & 51-62* is/are rejected.

7)☒ Claim(s) *48-50* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/28/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-7, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevanto (WO 00/78080) which is an IDS document of record in view of Chiu (U.S. Patent No.: 6,744,767)

Referring to claim 1, Sevanto teaches: a method (The GGSN per Fig 4 performs the method) comprising:

Determining a type of an access network via which a service is to be provided to user equipment (The GGSN decide or determines to provide the service by itself or to selects an external service provider based on the APN or type of access network and PDP configuration options per Pg 8 lines 33 to Pg 9 lines 3)

the gateway in the provisions of said service via said access network a traffic flow control policy decided on the basis of the information regarding the type of access network (The GGSN determines to provide the service or provisions by itself or to selects an external service provider based on the APN or type of access network and PDP configuration options per Pg 8 lines 33 to Pg 9 lines 3)
wherein said access network is located between the user equipment and the gateway (The GGSN is the gateway which is connected to the combination of UTRAN and CN or the combination of MSC BSS or access network which is connected to either UE or MS per Fig 4)

Sevanto does not expressly call for: enforcing at the gateway

Chiu teaches: enforcing at the gateway (Gateways are decision points for policy enforcement per col. 15 lines 38-43)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the enforcing at the gateway of Chiu to the GGSN or gateway of Sevanto in order to establish a policy decision point at the edge of the network which will result in speeding up processing resulting in a performance improvement.

In addition Sevanto teaches:

Regarding claim 2, receiving data from an entity associated with the access network at the gateway (The SGSN or entity associated with the 103 or 104 per Fig 4 forwards the PDP request with APN to the GGSN per Fig 4)

Determining the type of access network on the basis of the information regarding the type of access network (The GGSN determines to provide the service or provisions by itself or to selects an external service provider based on the APN or type of access network and PDP configuration options per Pg 8 lines 33 to Pg 9 lines 3)

Regarding claim 3, receiving type information from the entity at the gateway (The GGSN or gateway receives activate request with APN field from the SGSN or entity per Pg 6 line 9 to Pg 8 line 36 or type information)

Regarding claim 4, wherein the entity associated with the access network comprises a node connected to the access network (The SGSN or entity associated with the access network per Fig 1)

Regarding claims 5, wherein the entity associated with the access network comprises a user equipment (The User Equipment or UE or MS or entity is which is associated the access network per Fig 20)

Regarding claim 6, comprising receiving a request for a data bearer at the gateway (The GGSN receives a request for PDP Context for IP; X.25 or bearer service per Pg 5 lines 10-13)

Regarding claim 7, wherein the request for data includes information regarding the type of access network (The request contains APN or access type requested per Fig 3a)

Regarding claim 9, wherein the determining comprising determining the type in the gateway (The GGSN determines to provide the service or provisions by itself or to selects an external service provider based on the APN or type of access network and PDP configuration options per Pg 8 lines 33 to Pg 9 lines 3 or determining the type)

Regarding claim 10, receiving at the gateway a message from an entity associated with the access network (The GGSN receives a message from the SGSN per Fig 4) and wherein address of the entity associated with the access network (The MS or entity associated with the access network sends a message with APN or type of access and NSAPI or address of the entity per Pg 6 line 9 to Pg 9 line 25)

Regarding claim 11, comprising receiving at the gateway a message from an entity associated with the access network (The GGSN receives a message from the MS or UE which is associated with the access network per Fig 4) and wherein the determining comprises:

Determining the type of access network supported by entity associated with the access network (The GGSN uses the APN and PDP configuration options per Pg 8 lines 33 to Pg 9 lines 3) And determining the type of the access network form the access type supported by the entity associated with the access network (The GGSN uses the APN and PDP configuration options to determine per Pg 8 lines 33 to Pg 9 lines 3)

Regarding claim 12, comprising receiving at the gateway a message form an entity associated with the access network (GGSN receives a message from the MS or UE per Fig 1) and wherein the determining comprises determining the type of access network based on a characteristic of said message received from the entity associated with the access network and the gateway (The MS or entity sends a message with APN and NSAPI to the gateway which makes a decision based upon the data in fields per Pg 6 line 9 to Pg 9 line 25)

3. Claims 8, 21, 25, 41, 46, 51, & 53 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sevanto (WO 00/78080) which is an IDS document of record in view of Chiu

(U.S. Patent No.: 6,744,767) in view of Widegren (U.S. Patent No.: 6,621,793)

Referring to claim 8, the combination of Sevanto and Chiu teach the method of claim 6,

The combination of Sevanto and Chiu do not expressly call for: wherein the request comprises another request for creation of the packet data protocol context

Widegren teaches: wherein the request comprises another request for creation of the packet data protocol context (CREATE/MODE PDP CONTEXT per Fig 20)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the wherein the request comprises another request for creation of the packet data protocol context of Widegren to the processing of the combination of Sevanto and Chiu in order to be able to modify PDP context on the fly in order to perform dynamic processing in order to enhance the performance.

Referring to claim 21, the combination of Sevanto and Chiu teach the method of claim 1 and access network

The combination of Sevanto and Chiu do not expressly call for: determining if the access network operates in accordance with one of the a second generation standard, a third generation stand or a wireless local area network standard

Widegren teaches: determining if the access network operates in accordance with one of a second generation standard, third generation standard, or a wireless local area network (third generation partner which uses third generation standard per col. 4 lines 53 to 60)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the determining if the access network operates in accordance with one of the a second generation standard, a third generation stand or a wireless local area network standard of Widegren to the processing of the system of the combination of Sevanto and Chiu in order to implement the system based upon a standard which would allow for the system to interoperate with standards based networks.

Referring to claim 25, Sevanto teaches: a method (The GGSN per Fig 4 performs the method) comprising:

Determining a type of an access network via which a service is to be provided to user equipment (The GGSN decide or determines to provide the service by itself or to selects an external service provider based on the APN or type of access network and PDP configuration options per Pg 8 lines 33 to Pg 9 lines 3)

the gateway in the provisions of said service via said access network a traffic flow control policy decided on the basis of the information regarding the type of access network (The GGSN determines to provide the service or provisions by itself or to selects an external service provider based on the APN or type of access network and PDP configuration options per Pg 8 lines 33 to Pg 9 lines 3)

wherein said access network is located between the user equipment and the gateway (The GGSN is the gateway which is connected to the combination of UTRAN and CN or the combination of MSC BSS or access network which is connected to either UE or MS per Fig 4)

Sevanto does not expressly call for: enforcing at the gateway or computer program product on a computer readable medium the computer program configured to control a processor :

Chiu teaches: enforcing at the gateway (Gateways are decision points for policy enforcement per col. 15 lines 38-43)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the enforcing at the gateway of Chiu to the GGSN or gateway of Sevanto in order to establish a policy decision point at the edge of the network which will improve performance by speeding up processing.

The combination of Sevanto and Chiu do not expressly call for: computer program embodied on a computer readable medium the computer program configured to control a processor to decide a traffic flow control policy for controlling communication in a communication system

Widengren teaches: A computer program embodied on a computer readable medium the computer program configured to control a processor to decide a traffic flow control policy for controlling communication in a communication system (The software can be executed on a

processor and stored on an inherent readable medium per col. 19 lines 20 to 36 for implementing GGSN and Decision Point per col. 9 lines 63 col. 10 line 67) comprising:

It would have been obvious to one of ordinary skill in the art at the time of the invention to add a computer program embodied on a computer readable medium the computer program configured to control a processor to decide a traffic flow control policy for controlling communication in a communication system of Widegren to the method of the combination of Sevanto and Chiu because a method requires a program to be stored on a computer readable medium in order to be executed by a processor in order to be perform the steps of the method.

Referring to claim 41, the combination of Sevanto and Chiu teach: an apparatus as claimed in claim 39

The combination of Sevanto and Chiu do not expressly call for: wherein the request comprises another request for creation of the packet data protocol context

Widegren teaches: wherein the request comprises another request for creation of the packet data protocol context (CREATE/MODE PDP CONTEXT per Fig 20)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the wherein the request comprises another request for creation of the packet data protocol context of Widegren to the processing of the combination of Sevanto and Chiu in order to be able to modify PDP context on the fly in order to perform dynamic processing in order to enhance the performance.

Referring to claim 46 the combination of Sevanto and Chiu teach: an apparatus as claimed in claim 46 the combination of Sevanto and Chiu do not expressly call for: an identifying processor configure to identify a communication session by the gateway

Widegren teaches: an identifying processor configured to identify a communication session by the gateway (SIP proxy server or identifying processor per col. 14 lines 24-25)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the an identifying processor configured to identify a communication session by the gateway of Widegren to the SGSN of the combination of Sevanto and Chiu in order to build a system which keeps track of session.

Referring to claim 51 the combination of Sevanto and Chiu teach: an apparatus as claimed in claim 31

The combination of Sevanto and Chiu do not expressly call for: an comprising making the traffic flow control policy decision at the gateway

Widegren teaches: comprising making the traffic flow control policy decision at the gateway (PCF and GGSN can be implemented in a processor so the decision could be made at the gateway per col. 19 lines 30 to 35

It would have been obvious to one of ordinary skill in the art at the time of the invention to add comprising making the traffic flow control policy decision at the gateway Widegren to the GGSN of the combination of Sevanto and Chiu in order to build a system which keeps track of session.

Referring to claim 53 the combination of Sevanto and Chiu teach: an apparatus as claimed in claim 31

The combination of Sevanto and Chiu do not expressly call for: comprising making a decision making processor configured to decide said traffic flow control policy at the Gateway

Widegren teaches: comprising making a decision making processor configured to decide said traffic flow control policy at the Gateway (The PCF makes the decision. The PCF can be implemented in a processor so the decision could be made at the gateway per col. 19 lines 30 to 35

It would have been obvious to one of ordinary skill in the art at the time of the invention to add comprising making a decision making processor configured to decide said traffic flow control policy at the Gateway of Widegren to the GGSN of the combination of Sevanto and Chiu in order to build a system which keeps track of session.

4. Claims 14, 20, 22, & 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sevanto (WO 00/78080) which is an IDS document of record in view of Chiu (U.S. Patent No.:

6,744,767) further in view of Haumont (PCT WO 00/10357)

Referring to claim 14, the combination of Sevanto and Chiu teach the method of claim 1
The combination of Sevanto and Chiu do not expressly call for: determining in the gateway is a service specific policy is already available for the identified communication session

Haumont teaches: determining in the gateway is a service specific policy is already available for the identified communication session (The IWU (gateway) determines if RAN-A or RAN-B has bit rate, delay, signal strength or QoS or policy already available to support the communication or session per Pg 11 line 34 to Pg 15 line 21)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add determining in the gateway is a service specific policy is already available for the identified

communication session of Haumont to the processing of the combination of Sevanto and Chiu in order to be able to use less resource by utilizing the existing processing associated with a session.

Referring to claim 20, the combination of Sevanto and Chiu teach: the method as claimed claim 1 and selecting an access network

The combination of Sevanto and Chiu does not expressly call for: deciding a specific policy

Haumont teaches: deciding a specific policy (MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles associated with a plurality of flows which have parameters which are associated with the access gateway per Pg 10 line 8 to Pg 12 line 8 which the examiner has interpreted as deciding on a specific policy)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add deciding of a specific policy of Haumont to the system of the combination of Sevanto and Chiu in order to build a system which processes multiple flows of data which would result in improved performance because each type of flow could be prioritized based upon performance

Referring to claim 22, the combination of Sevanto and Chiu teach: the method as claimed claim 1

The combination of Sevanto and Chiu do not expressly call for: deciding a specific policy using information which is one of quality of service policy

Haumont teaches: deciding a specific policy using information which is one of quality of service policy (MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles associated with a plurality of flows which have parameters which are associated with the access gateway per Pg 10 line 8 to Pg 12 line 8 which the examiner has interpreted as deciding on a specific policy)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add deciding a specific policy using information which is one of quality of service policy of Haumont to the system of the combination of Sevanto and Chiu in order to build a system which processes multiple flows of data which would result in improved performance because each type of flow could be prioritized based upon performance

Referring to claim 23, the combination of Sevanto and Chiu teach: the method as claimed claim 1 and Sevanto teaches receiving quality information

The combination of Sevanto and Chiu do not expressly call for: deciding a specific policy

Haumont teaches: deciding a specific policy (MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles

associated with a plurality of flows which have parameters which are associated with the access gateway which are rules or specific policy per Pg 10 line 8 to Pg 12 line 8)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add deciding of a specific policy of Haumont to the system of the combination of Sevanto and Chiu in order to build a system which processes multiple flows of data which would result in improved performance because each type of flow could be prioritized based upon performance

Referring to claim 47, the combination of Sevanto and Chiu teach: an apparatus as claimed in claim 46

The combination of Sevanto and Chiu do not expressly call for: determining in the gateway is a service specific policy is already available for the identified communication session

Haumont teaches: determining in the gateway is a service specific policy is already available for the identified communication session (The IWU (gateway) determines if RAN-A or RAN-B has bit rate, delay, signal strength or QoS or policy already available to support the communication or session per Pg 11 line 34 to Pg 15 line 21)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add determining in the gateway is a service specific policy is already available for the identified communication session of Haumont to the processing of the combination of Sevanto and Chiu in order to be able to use less resource by utilizing the existing processing associated with a session.

5. Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sevanto (WO

00/78080) which is an IDS document of record in view of Widegren (U.S. Patent No.:

6,621,793)

Referring to claim 26, Sevanto teaches: a communication system (Figure 4) comprising:

Different access networks (UE is connected is connected to UTRAN by one access network and MS is connected to BSS via another access network per Fig 4)

A gateway configured to communicate with entities associated with different access networks (403 per Fig 4 or gateway is configured to communicate with UTRAN and BSS or entities associated with different access networks per Fig 4)

An access network type determination processor (433 per Fig 4) configured to determine an access network of the different access network (provided (The 433 receives a request from the SGSN per Fig 3 which contains APN field which has the access type requested for service per Pg 8 line 32 to Pg 9 line 11. The GGSN creates upon determination of the access type a PDP contest response which is sent to the SGSN per Pg 9 line 3 to 11)

A decision making processor (433 per Fig 4) configured to decide rules apply to the communication via the gateway based on the information of the type of the access network (The GGSN determined access based upon the APN or information type per Pg 6 line 12 to Pg 9 line 25)

wherein said access network is located between the user equipment and the gateway (The GGSN is the gateway which is connected to the combination of UTRAN and CN or the combination of MSC BSS or access network which is connected to either UE or MS per Fig 4)

Sevanto does not expressly call for: making a decision on a policy and wherein the communication system is configured to control communication based on decision by the decision

Widegren teaches: making a decision on a policy (The decision point makes the decision on the policy per per col. 9 line 62 to col. 10 lines 53) and wherein the communication system is configured to control communication based on decision by the decision (The GGSN is the enforcement point or EP and is communicated to the decision point per col. 9 lines 62 to col. 10 line 53)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the making the decision on policy and enforcement by the GGSN or Widegren to the system of Sevanto in order to implement processing in compliance with IETF standards in order to build a standards compliant system.

6. Claims 31, 34-40, & 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sevanto (WO 00/78080) which is an IDS document of record in view of Chiu (U.S. Patent

No.: 6,744,767)

Referring to claim 31, Sevanto teaches: an apparatus (Figure 4) comprising:

An access network type determination processor (433 per Fig 4) configured to determine an access network of the different access network provided to a user equipment (The 433 receives a request from the SGSN per Fig 3 which contains APN field which has the access type requested for service which is from the MS or UE or user equipment per Pg 8 line 32 to Pg 9 line 11. The GGSN creates upon determination of the access type a PDP contest response which is sent to the SGSN per Pg 9 line 3 to 11)

A processor at the gateway (433 per Fig 4) to provision said service viavia access network traffic flow and to decide the basis fo the information of the type of the access network (The GGSN determined access based upon the APN or information type per Pg 6 line 12 to Pg 9 line 25)

wherein said access network is located between the user equipment and the gateway (The GGSN is the gateway which is connected to the combination of UTRAN and CN or the combination of MSC BSS or access network which is connected to either UE or MS per Fig 4)

Sevanto does not expressly call for: enforcing at the gateway

Chiu teaches: enforcing at the gateway (Gateways are decision points for policy enforcement per col. 15 lines 38-43)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the enforcing at the gateway of Chiu processor at the gateway of Sevanto in order to establish a policy decision point at the edge of the network which will result in speeding up processing resulting in a performance improvement.

Referring to claim 34, Sevanto teaches: an apparatus (Figure 4) comprising:

An access network type determining means for determining a type of access network via which a service is to be provided to a user equipment (433 per Fig 4 or means for determining is configured to determine an access network of the different access network provided to a user equipment (The 433 receives a request from the SGSN per Fig 3 which contains APN field which has the access type requested for service which is from the MS or UE or user equipment per Pg 8 line 32 to Pg 9 line 11. The GGSN creates upon determination of the access type a PDP contest response which is sent to the SGSN per Pg 9 line 3 to 11)

Means for provisioning at the gateway said service via said access network on the basis of the information regarding the type of access network (433 per Fig 4) to provision said service via access network traffic flow and to decide the basis of the information of the type of the access network (The GGSN determined access based upon the APN or information type per Pg 6 line 12 to Pg 9 line 25)

wherein said access network is located between the user equipment and the gateway (The GGSN is the gateway which is connected to the combination of UTRAN and CN or the combination of MSC BSS or access network which is connected to either UE or MS per Fig 4)

Sevanto does not expressly call for: enforcing at the gateway

Chiu teaches: enforcing at the gateway (Gateways are decision points for policy enforcement per col. 15 lines 38-43)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the enforcing at the gateway of Chiu to the means for provisioning processor at the gateway of Sevanto in order to establish a policy decision point at the edge of the network which will result in speeding up processing resulting in a performance improvement.

In addition Sevanto teaches:

Regarding claim 35, wherein the access network type determining processor is configured to determine the type of access network based on data received at the gateway from an entity associated with the access network (433 per Fig 4 or determining processor receives a request from the SGSN per Fig 3 which contains APN field which has the access type requested for service which is from the MS or UE or user equipment per Pg 8 line 32 to Pg 9 line 11.)

Regarding claim 36, comprising a receiver configured to receive type information from the entity at the gateway (432 per Fig 4 or receiver receives the APN field from the MS or UE or entity per Pg 8 line 32 to Pg 9 line 11)

Regarding claim 37, wherein the entity associated with the access network comprises a node connected to the access network (SGSN is the entity per Fig 4 and per Pg 8 line 32 to Pg 89 line 11)

Regarding claim 38, wherein the entity associated with the access network comprises said user equipment (UE or MS per fig 4 is the entity)

Regarding claim 39, comprising a receiver configured to receive a request for a data bearer at the gateway (432 per Fig 4 or receiver receives a PDP Context request for X.25 or bears services)

Regarding claim 40, wherein the request for a data bearer includes information regarding the type of the access network (The request contains APN or access type requested per Fig 3a)

Regarding claim 42, wherein the access network type determining processor is provided at the gateway (433 per Fig 4 is at the gateway)

Regarding claim 43, comprising a receiver configured to received at the gateway a message from an entity associated with the access network and wherein the access network type determining processor is configured to determine the type of an access network based on the address of said entity associated with the access network (432 per Fig 4 receives the message from the UE or MS per Fig 4. The message from the MS or UE which is associated with the access network per Fig 4 has the APN and PDP configuration options to determine per Pg 8 lines 33 to Pg 9 lines 3 or address)

Regarding claim 44, comprising a receiver configured to received at the gateway a message from an entity associated with the access network and wherein the access network type determining processor is configured to determine the type of an access network from the access type supported by entity associate with the access network (432 per Fig 4 receives the message from the UE or MS per Fig 4. The message from the MS or UE which is associated with the access network per Fig 4 has the APN and PDP configuration options to determine per Pg 8 lines 33 to Pg 9 lines 3 or address)

Regarding claim 45, comprising a receiver configured to received at the gateway a message from an entity associated with the access network and wherein the access network type determining processor is configured to determine the type of an access network based on characteristics of said message received form the entity at the gateway (432 per Fig 4 receives the message from the UE or MS per Fig 4. The message from the MS or UE which is associated with the access network per Fig 4 has the APN and PDP configuration options or characteristics per Pg 8 lines 33 to Pg 9 lines 3 or address)

7. Claims 54-55, 57-59, & 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Widegren (U.S. Patent No.: 6,621,793) in view of Sevanto (WO 00/78080) which is an IDS

document of record

Referring to claim 54, Widengren teaches: a method (The GGSN and Decision Point per col. 9 lines 63 col. 10 line 67 perform the method) comprising:

making at a policy control entity a traffic flow control policy decision vi which service is to be provided to a user equipment (The Policy Control Function (PCF) is the Decision Point that determines services to be provided associated with bearer services per Fig 20. The PCF is an entity per col. 5 lines 35 to 67. The decision is made for bearer services for the UE per Fig 20 or user equipment)

sending to a gateway from said policy control entity a message indicating said traffic flow control policy decision (The policy control function (PCF) is the entity which sends a message (Decision 4 per Fig 20) to the GGSN or gateway per col. 15 lines 15 to 25) wherein said access network is located between the user equipment and the gateway (UTRAN or access network is between the UE and the Gateway per Fig 19)

Widegren does not expressly call for: decided on the basis of information regarding the type of access network

Sevanto teaches: decided on the basis of information regarding the type of access network (The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add decided on the basis of information regarding the type of access network
of Sevanto to the processing of Widegren in order to build a system which can request a specific access network

Referring to claim 55, The combination of Widegren and Sevanto teach: the method of claim 1 wherein a request includes a request for service provided (CREATE/MOD PDP CONTEXT per Fig 20 and per col. 18 lines 10 to 25)

Widegren does not expressly call for: decided on the basis of information regarding the type of access network

Sevanto teaches: decided on the basis of information regarding the type of access network (The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add decided on the basis of information regarding the type of access network
of Sevanto to the processing of Widegren in order to build a system which can request a specific access network

In addition Widegren teaches:

Regarding claim 57 further comprising authorizing a user at the policy control entity (PCF determines if UE authorized per col. 14 lines 51)

Referring to claim 58, Widengren teaches: an apparatus (The combination of GGSN and Decision Point per col. 9 lines 63 col. 10 line 67 or apparatus) comprising:

A decision making processor configured to make at a policy control entity a flow control policy decision using service to be provided to user equipment (The Policy Control Function (PCF)or decision making processor determines services to be provided associated with bearer services per Fig 20. The PCF is an entity per col. 5 lines 35 to 67. The decision is made for bearer services for the UE per Fig 20 or user equipment)

sending to a gateway from said policy control entity a message indicating said traffic flow control policy decision (The PCF or entity sends a message to the GGSN or gateway per col. 15 lines 15 to 25) wherein said access network is located between the user equipment and the gateway (UTRAN or access network is between the UE and the Gateway per Fig 19)

Widegren does not expressly call for: decided on the basis of information regarding the type of access network and a transmitter in the policy control entity

Sevanto teaches: decided on the basis of information regarding the type of access network (The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information) and a transmitter in an entity (Transmitter (TX/RX per Fig 4)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add decided on the basis of information regarding the type of access network and transmitter of Sevanto to the processing of Widegren in order to build a system which can request a specific access network

Referring to claim 59 the combination of Widegren and Sevanto teach the apparatus according to claim 58 and access type and Widegren teaches receiving a request for a traffic flow control policy decision from the gateway (QoS signal request to the PCF per col. 17 lines 55-58)

Widegren does not expressly call for: receiver

Sevanto teaches: receiver (TX/RX per Fig 4)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the receiver of Sevanto to the policy decision entity of the combination of Widegren and Sevanto because in order to implement a method of receiving a message a receiver is required.

In addition Widegren teaches:

Regarding claim 61 further comprising authorizing processor configured to authorize a user at the policy control entity (PCF determines if UE authorized per col. 14 lines 51)

Referring to claim62, Widengren teaches: an apparatus (The combination of GGSN and Decision Point per col. 9 lines 63 col. 10 line 67 or apparatus) comprising:

A decision making means for making at a policy control entity a flow control policy decision using service to be provided a user equipment (The policy control function (PCF) or decision making means for determining services to be provided associated with bearer services per Fig 20. The PCF is an entity per col. 5 lines 35 to 67. The decision is made for bearer services for the UE per Fig 20 or user equipment)

sending to a gateway from said policy control entity a message indicating said traffic flow control policy decision (The PCF or entity sends a message to the GGSN or gateway per col. 15 lines 15 to 25) wherein said access network is located between the user equipment and the gateway (UTRAN or access network is between the UE and the Gateway per Fig 19)

Widegren does not expressly call for: decided on the basis of information regarding the type of access network and a transmitter in the policy control entity or sending means

Sevanto teaches: decided on the basis of information regarding the type of access network (The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information) and a sending means in an entity (Transmitter (TX/RX per Fig 4)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add decided on the basis of information regarding the type of access network and sending means of Sevanto to the processing of Widegren in order to build a system which can request a specific access network

8. Claims 56 & 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren (U.S. Patent No.: 6,621,793) in view of Sevanto (WO 00/78080) which is an IDS document or record further in view of Pecen (Patent Pub No.: US2003/0040297)

Referring to claim 56 the combination of Widegren and Sevanto teach: the method as claimed in claim 54.

The combination of Widegren and Sevanto do not expressly call for: inquiry for subscription profile to a separate database

Pecen teaches: inquiry for a subscription profile to a separate database (request for subscript profile to HLR or separate database per Para[0024]

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the inquiry for a subscription profile to a separate database of Pecen to the system of the combination of Widegren and Sevanto in order to determine content components.

Referring to claim 60, the combination of Widegren and Sevanto teach: the apparatus as claimed in claim 58 and transmitter and policy control entity.

The combination of Widegren and Sevanto do not expressly call for: inquiry for subscription profile to a separate database

Pecen teaches: inquiry for a subscription profile to a separate database (request for subscript profile to HLR or separate database per Para[0024]

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the inquiry for a subscription profile to a separate database of Pecen to the system of the combination of Widegren and Sevanto in order to determine content components.

Claim Objections

9. Claims 48-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 1-12, 14, 20-23, 25-26, 31, 34-62 have been considered but are moot in view of the new ground(s) of rejection.

In order to be totally responsive to the applicant's arguments the examiner provides the following remarks.

Relative to applicant's remarks under the heading of Claim Rejections under 35 U.S. C. 103(a) relative to claims 1, 25, 26, 31, 34, 54, 58, & 62. The examiner has rewritten the rejection in order to be responsive to the applicant's amended claim limitations and also address applicant comments relative to totally address the subject matter in the present claims. It should be noted that in applicant's remarks the applicant has provided a piece argument that the limitation has not been correctly addressed. The examiner reminds the applicant that these limitations were rejected under 103 and not 102 so the combination of reference teaching the claim limitations would be a proper rejection.

Next the applicant goes on to argue that the amended claim limitations are not taught relative to claims 1, 25, 31, 34, 58, & 62 with the prior art. The examiner has provided a new rejection in response to the new limitations. Refer to the above rejection for details.

Next applicant argues that the prior art reference Pecen in combination with the Widegren and Sevanto does not teach all of the claim limitations of claims 56 and 60. The applicant again provides a piece wise analysis with applicant's most narrow interpretation of how the three reference teach the claimed limitation.

The examiner respectfully disagrees with the applicant's argument that e the combination of reference do not teach: inquiry for a subscription profile to a separate database

Referring to claim 56 the combination of Widegren and Sevanto teach: the method as claimed in claim 54.

The combination of Widegren and Sevanto do not expressly call for: inquiry for subscription profile to a separate database

Pecen teaches: inquiry for a subscription profile to a separate database (request for subscript profile to HLR or separate database per Para[0024]

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the inquiry for a subscription profile to a separate database of Pecen to the system of the combination of Widegren and Sevanto in order to determine content components.

Referring to claim 60, the combination of Widegren and Sevanto teach: the apparatus as claimed in claim 58 and transmitter and policy control entity.

The combination of Widegren and Sevanto do not expressly call for: inquiry for subscription profile to a separate database

Pecen teaches: inquiry for a subscription profile to a separate database (request for subscript profile to HLR or separate database per Para[0024]

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the inquiry for a subscription profile to a separate database of Pecen to the system of the combination of Widegren and Sevanto in order to determine content components.

Finally the applicant argues that the prior art references do not teach all of the claim limitation in claims 59 and 61

The examiner respectfully disagrees with the applicant's argument that the combination of reference do not teach all of the claimed limitatons

Referring to claim 59 the combination of Widegren and Sevanto teach the apparatus according to claim 58 and access type and Widegren teaches receiving a request for a traffic flow control policy decision from the gateway (QoS signal request to the PCF per col. 17 lines 55-58)

Widegren does not expressly call for: receiver

Sevanto teaches: receiver (TX/RX per Fig 4)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the receiver of Sevanto to the policy decision entity of the combination of Widegren and Sevanto because in order to implement a method of receiving a message a receiver is required.

In addition Widegren teaches:

Regarding claim 61 further comprising authorizing processor configured to authorize a user at the policy control entity (PCF determines if UE authorized per col. 14 lines 51)

In summary the examiner has address all of the applicant remarks which are unpersuasive based upon the above explanations.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571/272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/
Primary Examiner, Art Unit 2419

RWW
6/10/09